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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS HOLDING, : DOCKET NO. 04-1150
INC., ET AL
VS. : JUDGE TRIMBLE
TOTAL CONTAINMENT, INC., ET AL : MAGISTRATE JUDGE WILSON

JUDGMENT

Pursuant to the Memorandum Ruling of this date,

IT IS ORDERED, ADJUDGED AND DECREED that the Motion by Defendant Ticona Polymers, Inc. for Partial Summary Judgment (doc. #361) is **GRANTED IN PART** and **DENIED IN PART**. The motion for summary judgment dismissing Brookshire Brothers' claims as time barred is hereby **GRANTED IN PART** to the extent that all claims for injuries that occurred prior to August 15, 2002 have prescribed and are dismissed; the motion for summary judgment barring Brookshire Brothers' pure economic losses is hereby **GRANTED IN PART** to the extent that Texas law bars recovery for those damages that occurred in Texas, with the exception of damages to other property which includes land contamination in Texas, and **DENIED IN PART** to the extent that damages sustained in Louisiana are governed by Louisiana law and the economic loss rule does not apply.

The Court determines that there is no just reason for delay and will direct entry of final judgment under 54(b) of the Federal Rules of Civil Procedure.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 31st day of ~~July~~^{August}, 2006.

James T. Trimble, Jr.

JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE